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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,943	03/30/2001	Louis B. Rosenberg	IMMP127	7594
34300	7590	07/26/2007	EXAMINER	
PATENT DEPARTMENT (51851) KILPATRICK STOCKTON LLP 1001 WEST FOURTH STREET WINSTON-SALEM, NC 27101			CEGIELNIK, URSZULA M	
ART UNIT		PAPER NUMBER		
3711				
MAIL DATE		DELIVERY MODE		
07/26/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/823,943	ROSENBERG, LOUIS B.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Urszula M. Cegielnik	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 July 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 45-58 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 45-58 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

The finality of the Office action dated 20 October 2006 has been withdrawn, and prosecution has been reopened.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 45-50, and 55-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Publication No. 0977142, hereinafter EP '142 in view of Lin (US Patent No. 6,121,955).

EP '142 discloses a housing (200); a manipulandum (220) disposed within the housing (200) and operable to cause a control signal to be sent to a remotely controlled device (i.e. a game computer, which may be considered as a toy, as anything that is capable of giving a person amusement); an actuator (300) coupled to the housing (200), the actuator (300) operable to output a force to at least one of the housing (200) or the manipulandum (220); the manipulandum is in the form of a directional control (arrow key 220); a receiver (i.e. signal receiving circuit) disposed within the housing and operable to receive a sensor signal from a sensor configured to sense a state of the remotely controlled device (col. 6, lines 33-49).

EP '142 does not explicitly disclose a processor disposed within the housing in communication with the actuator and the receiver, the processor operable to generate

an actuator signal associated with the state of the remotely controlled device, the manipulandum being a throttle control.

Lin teaches a game controller (joystick) having a processor (54) disposed within a housing (12) and the manipulandum is in the form of a throttle control.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a processor disposed within the housing as taught by Lin, since EP '142 states at col. 2, lines 28-31, that such a modification would permit the joystick to have enhanced control of a computer game.

Furthermore, it would have been obvious to one having ordinary skill in the art at the time to provide a manipulandum in the form of a throttle control as taught by Lin, since such a modification would provide an alternate arrangement of a remotely controlled device.

Claims 51-54, 57, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 45 above, and further in view of Collier (US Patent No. 4,964,837).

EP '142, as modified by Lin, lacks the claimed sensors and the remotely controlled device comprising a remotely controlled toy (remotely-controlled car).

Collier discloses a remotely controlled car that has a radio communication device having a transmitter (200), a contact sensor, pressure sensor, and an accelerometer (col. 15, lines 57-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the claimed sensors as taught by Collier, since Collier

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states at col. 15, lines 65-67, that such a modification would provide detection of various situations encountered by the remotely controlled device.

Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a transmitter as taught by Collier, since such a modification would enhance wireless communication between the remote control unit and the remotely controlled device.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion.***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Urszula M. Cegielnik whose telephone number is 571-272-4420. The examiner can normally be reached on Monday through Friday, from 5:45AM-2:15PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene L. Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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EUGENE KIM  
SUPERVISORY PATENT EXAMINER